

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Roanoke Division

WILLIAM R. COUCH, #1128941,

Plaintiff,

v.

Civil Action No. 7:09-cv-00434

JOHN JABE, et al.,

Defendants.

AFFIDAVIT

State of Virginia, County of Augusta, to-wit:

R. RYDER, first being duly sworn, states as follows:

1. I am a Correctional Officer in the Property Department at Augusta Correctional Center (Augusta).
2. I base the information contained in this affidavit on personal knowledge and records maintained in the regular and ordinary course of business.
3. I am generally aware of inmate William Couch's allegations in this lawsuit that his Constitutional rights were violated when I refused to allow him to receive a free gift book from a Virginia Department of Corrections (VDOC) vendor.
4. Operating Procedure (OP) 803.2, Incoming Publications, provides for the efficient, safe, and secure handling and processing of incoming publications for offenders housed in VDOC facilities. A copy of OP 803.2 has been attached as Enclosure A of Warden Braxton's affidavit.
5. Pursuant to OP 803.2(V)(E), the VDOC permits offenders to subscribe to, order, and receive publications direct from a legitimate mail order source, so long

as they do not pose a threat to the security, discipline, and good order of the facility and they otherwise comply with the requirements of this operating procedure.

Offenders may only receive publications directly from a legitimate mail order source.

Offenders must secure permission from the Facility Unit Head, or designee, prior to ordering, subscribing to, or otherwise receiving a publication by submitting a

Personal Property Request Form. All publications are prepaid from the offender's account. Offenders are not permitted to receive publications of any kind on a trial

basis or which have not been pre-approved and prepaid. Publications which may be obtained free of charge will be considered prepaid if the offender provides

documentation that the publication is free when requesting approval to order the

publication. Any publication not ordered or received in accordance with all

applicable procedures will not be delivered to the offender and will be returned to the sender.

6. On January 28, 2009, a book, Protecting Your Health and Safety, which was addressed to Couch, was received by Augusta's property department. A review of our records revealed that there was no order or request on file from Couch to receive this book, as is required by OP 803.2. As a result, Couch was given the option to have the book placed on Visitor pickup. The book was not picked up and therefore was destroyed on 6-18-09 by C/O Watts. A copy of the Notification of Confiscation of Property Form, which was signed by Couch and myself on January 28, 2009, has been attached as a part of Enclosure B of Warden

Braxton's affidavit.

R. RYDER

R. Ryder
Affiant

Sworn and subscribed to before me, a Notary Public, in and for the State of Virginia, County of Augusta, on this 17th day of December, 2009.

Gayle Z. Clifton
Notary Public

My commission expires: 04/30/12

